

## **REMARKS**

### **Summary of Office Action**

The specification is objected to for formalities. Claims 1, 3, 8, 11, 12, and 15 are objected to for informalities. Claims 1-12, 15, and 16 are rejected under 35 U.S.C. § 112, second paragraph. Claims 12, 15, and 16 are rejected under 35 U.S.C. § 101. Claims 1-12, 15, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Heimermann et al. (U.S. Pat. Pub. No. 2002/0143692) in view of Official Notice.

Formal matters. Applicants thank the Examiner for acknowledging foreign priority and for considering the IDS submitted on June 9, 2006.

### **Summary of Response to Office Action**

Claims 1, 6, 8-10, and 17-32 are pending.

Claims 1, 6, 8-10 are amended.

Claims 2-5, 7, 11, 12, 15, and 16 are canceled.

Claims 13 and 14 were previously canceled.

Claims 17-32 are new.

Applicants traverse the rejections and assert that the amended claims are patentably distinct over the cited art.

Applicants traverse the Official Notice taken by the Office.

No new matter has been added by this amendment. Reconsideration and allowance is requested.

### **Claim Amendment Support**

The following paragraph references are referring to paragraphs in U.S. Pat. Pub. No. 2008/0177585, which is the publication of the present Application. The references to claims refer to the claims submitted in June 8, 2006, preliminary amendment.

Support for amendments to claim 1 can be found at least at §§ 0007, 0011, 0014, 0017, 0018, 0020, 0038, 0039, 0040, 0041, 0042, 0043, 0044.

Support for amendments to claim 6 can be found at least at § 0018.

Support for amendments to claim 8 can be found at least at § 0020.

Support for new claim 17 can be found at least at § 0017.

Support for new claim 18 can be found at least at §§ 0017, 0039.

Support for new claim 19 can be found at least at §§ 0007, 0011, 0014, 0017, 0018, 0020, 0038, 0039, 0040, 0041, 0042, 0043, 0044.

Support for new claim 20 can be found at least at § 0017.

Support for new claim 21 can be found at least at §§ 0017, 0039, and canceled claim 5.

Support for new claim 22 can be found at least at § 0018 and claim 6.

Support for new claim 23 can be found at least at claim 8.

Support for new claim 24 can be found at least at claim 9.

Support for new claim 25 can be found at least at claim 10.

Support for new claim 26 can be found at least at §§ 0007, 0011, 0014, 0017, 0018, 0020, 0038, 0039, 0040, 0041, 0042, 0043, 0044, and claims 1 and 8.

Support for new claim 27 can be found at least at § 0017 and claim 5.

Support for new claim 28 can be found at least at §§ 0017, 0039 and claim 5.

Support for new claim 29 can be found at least at § 0018 and claim 6.

Support for new claim 30 can be found at least at claim 8.

Support for new claim 31 can be found at least at claim 9.

Support for new claim 32 can be found at least at claim 10.

### **Specification**

Applicants request that they be permitted to delay correcting the Specification until after the patentability issues are resolved.

### **Claim Objections**

Claims 1, 3, 8, 11, 12, and 15 are objected to for informalities. Claims 3, 11, 12, and 15 are canceled. Claims 1 and 8 are amended to comply with the Office Action. Withdrawal of the claim objections is requested.

**Claim Rejections under 35 U.S.C. § 112**

Claims 1-12, 15, and 16 are rejected under 35 U.S.C. § 112, second paragraph. Claims 2-5, 7, 11, 12, 15, and 16 are canceled. Claims 1, 6, and 8-10 are amended to comply with the Office Action. Withdrawal of the claim rejections is requested.

**Claim Rejections under 35 U.S.C. § 101**

Claims 12, 15, and 16 are rejected under 35 U.S.C. § 101. Claims 12, 15, and 16 are canceled. Withdrawal of the rejections under 35 U.S.C. § 101 is requested.

**Claim Rejections under 35 U.S.C. § 103**

Claims 1-12, 15, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Heimermann et al. (U.S. Pat. Pub. No. 2002/0143692) in view of Official Notice. Applicants traverse the claim rejections and assert that all claims are patentably distinct over the cited art.

Consider a portion of claim 1, which recites in relevant part:

the client terminal is adapted to provide purchasing rules to said managing server •••

the generated purchaser reference number being associated with the individual purchaser and with the purchasing rules for said individual purchaser and for said purchasing organization •••

send a notification from the managing server, as a result of the information relating to the purchase being found to be correct in the examining, to the first communication terminal being operable by the provider so as to validate the purchase and give the provider a right to invoice said transaction amount

The above portion of claim 1 is not disclosed or rendered obvious by the cited art.

By associating a purchaser reference number with an individual purchaser and with the purchasing rules, where the purchasing rules are “received by the client terminal”, the managing server can validate a purchase for a “provider” without the “provider” and the “purchasing organization” having a direct relationship. And the validation can “give the provider a right to invoice said transaction amount.” Additionally, the purchasing rules can be changed to suit the needs of the moment of the purchasing organization.

Heimermann simply does not disclose the above portion of claim 1. Nor does Heimermann permit a set of rules to be sent from a client terminal to a managing server, and then have this set of rules be used to validate a purchase from a second communication terminal (purchaser), where the validation is sent from the managing server to a first communication terminal (provider).

Heimermann does discuss rules, but these rules are used in the following way: "As to the 'spot' purchase pool, the System establishes and digitally, electronically enforces a rule-based decision structure as to allocation of requisitioned goods/services into orders to be posted to the Internet procurement forum. This allocation into orders in this manner forces and optimizes supplier bid competition without any need for case-by-case negotiation for typical orders within the rule structure." So, in Heimermann, the rules are for helping to enable suppliers to bid for the opportunity to supply something to an organization in a reverse auction. See Heimermann, 0209. On the contrary, in claim 1 of the Application, the rules are used to generate a purchaser reference number that are used to validate a purchase.

The recited elements of claim 1 have the following benefits: (1) a purchase made by a specific individual purchaser is validated before the purchase is closed and the provider is given a validated right to invoice the purchasing organization a certain validated amount; (2) the purchase is attested in advance in accordance with the purchasing rules; and, (3) real time traceability per individual purchaser from the purchasing is enabled.

Moreover, after the validation, the purchasing organization has information about the purchase and the provider has a confirmation that he can safely deliver, invoice and receive payment from the purchasing organization.

The claimed invention enables a service to be managed and administered by means of the managing server by a third party external from the managing organization. And it enables the distribution of instructions to providers regarding the rules for purchase, delivery and invoicing.

The invention has the following additional advantages. The invention enables an improved purchase and invoice management for a purchasing organization. Specifically, the purpose is to enable electronic invoicing from all vendors, including those who cannot fulfill

the normal requirements for electronic invoicing and such vendors that were previously unknown to the purchasing organization.

Despite the fact that electronic invoicing has been available for decades, electronic invoicing prior to the invention recited in claim 1, limits the number of possible providers for at least the following reasons: electronic purchasing has required 1-to-1 relationships between the purchasing organization and the provider; electronic purchasing has required system integration; electronic purchasing system did not permit invoices from to be received from unknown parties; electronic purchasing systems made it is too labor intensive to enroll and implement providers; and, electronic purchasing systems lacked standards.

In contrast to the invention recited in claim 1, Heimermann is for establishing an electronic purchasing system in the form of a requisition driven reverse-auction system. Heimermann does not address the purpose and the problems solved by the invention recited in claim 1 and does disclose or render obvious the specific portion of claim 1 discussed above.

For all of the above reasons, allowance of claim 1 is requested. Additionally, since claims 6, 8-10, 17, and 18 depend from claim 1, allowance of claims 6, 8-10, 17, and 18 is requested for at least the same reasons as for claim 1.

Additionally, since claims 19 and 26 recite similar elements as claim 1, allowance of claims 19 and 26 is requested. Moreover, since claims 20-25 depend from claim 19, allowance of claims 20-25 is requested for at least the same reasons as for claim 19. Additionally, since claims 27-32 depend from claim 26, allowance of claims 27-32 is requested for at least the same reasons as for claim 26.

#### **Dependent Claims Recite Additional Patentably Distinct Elements**

##### **Claims 17, 20, 27**

Provide feedback to the individual purchaser.

##### **Claims 18, 21, 28**

Provide feedback to the purchasing organization and enable real-time cash

management in relation to purchases for which invoices will be received.

Claims 6, 22, 29

Couple a purchase to the individual purchaser, applicable purchase rules, and a transaction amount as well as carries a security code.

Claims 8, 23, 30

Further support real-time cash management by reserving an amount for payment.

Claims 9, 24, 31

Enable electronic invoicing by proxy of an external third party, which acts as an adapter between the purchasing organization and the invoicing provider. Enable any provider to be able to invoice the purchasing organization. And, enable system independent receiving of electronic invoicing.

Claims 10, 25, 32

Further enable the invoicing service to adjust the invoicing to the requirements of the purchasing organization e.g. with regard to content, describing texts, information carrier, transaction information etc.

For at least these additional reasons allowance of claims 6, 8-10, 17, 18, 20-25, and 27-32 is requested.

**Further Discussion of the Invention Recited in Claim 1**

The following two applications of the invention recited in claim 1 are possible:

A cloud service (i.e. internet based service) for the purchasing organization with the following functionality:

- Controls its purchases through its own predefined framework of rules
- Receives e-invoice also from unknown or small suppliers and with all line item requirements, and optionally receives a collective invoice from one party with line item details inherited from each purchase

- Full traceability on who made the purchase, at what time and where
- Enhanced liquidity control as the purchasing organization receives the information on committed obligations and coming invoices already at the time of purchase

A service for supplying (provider) organization with the following functionality:

- Validation by 3rd-party that the purchase is approved and valid
- The right to e-invoice; pointed to the right tool, and provided access to the technology and information required to send the e-invoice correctly
- The supplier may know through the service even though he doesn't know the purchasing organization, the purchasing organizations content requirements, address, protocol, information transport and security requirements, et cetera
- The service can be free of charge for the supplier
- The service offers an effective way to provide supply chain financing services

A real world solution of the invention of claim 1 can be described as built in layers that together provide an infrastructure for the invoice reference number:

1) Administration of individual, group and company purchasing rules set and administrated by the purchasing organization. The rules application can be configured and customized in run time to match the purchasing organizations needs for security, cash management, information and traceability. The individual rules can be administrated run time, in general or for a single event.

2) Identification and validation of purchasing rights, by the supplier, integrated with web invoice services in compliance with standard integration specifications. Handing over an invoice reference to the supplier makes it possible for the supplier to validate the purchaser and that the purchase follows defined rules. The validation is free of charge, over the Internet or via phone.

3) Generation of invoice reference numbers, which are required by the service scenario. The service automatically generates unique reference numbers linked to a specific individual. The reference number connects the purchasing rules.

**Office Notice is Traversed**

The Office Action has provided a mere statement that it would have been obvious to one skilled in the art for claims 1, 2, 6, 7, 8, and 16. Applicants note that Official Notice should only be taken when the notice of facts beyond the record are “capable of such instant and unquestionable demonstration as to defy dispute” MPEP 2143.03.

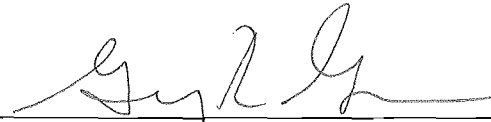
Applicants traverse each and every Office Notice taken in the Office Action and request that additional evidence be provided that illustrates that the facts beyond the record are “capable of such instant and unquestionable demonstration as to defy dispute.”

## **CONCLUSION**

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,



Gregory R. Grace, Reg. No. 59,733  
DRINKER BIDDLE & REATH LLP  
One Logan Square  
18<sup>th</sup> and Cherry Streets  
Philadelphia, PA 19103-6996  
Telephone: (215) 988-3309  
Fax: (215) 988-2757  
*Attorney for Applicant*

Date: November 12, 2010